IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9511 of 2005

Between:

M.Balapeer, S/o. Balaiah
Atchampet Bus Depot Mahabubnagar Dist.

..... PETITIONER

AND

The Depot Manager APSRTC
Atchampet Bus Depot Mahabubnagar Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, declaring that the action of the respondent in imposing the punishment of reduction of pay by one incremental stage for a period of 2 years which shall have the effect of petitioners future increments as illegal, arbitrary, unjust and violative of principles of natural justice and also contrary the judgments of this Hon'ble Court and also apex court by setting aside the final order No.02/629260/93-ACPT dt.5/8/1993 of the respondent herein and consequently direct the respondent to add the increment which was reduced and pass such other order or orders. i.e., the commissioner of endowments, A.P., Hyderabad in issuing the impungned proceedings L.Dis.No.H1/9266/05, dt.08-04-2005 as bad, illegal, arbitrary and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court, at the admission stage, made the following :

The Court at the admission stage made the following O R D E R:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner questions the order dated 05.08.1993 imposing punishment of postponement of annual increment for a period of two years, which shall have the effect of postponing the future increments.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K.Mastan v. Managing Director, APSRTC**, held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one annual increment without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of two years, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. However, he is entitled for increments on notional calculation. No costs.

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(K.C.BHANU,J)

Dt:26th April, 2005

KVR

To

1) The Depot Manager, APSRTC, Atchampet Bus Depot, Mahabubnagar District.

2) 2 CD copies

3) 1 CC to MR.GOVINDA RAJULU

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